

The Impact of Private Military and Security Companies on Somali Security Sector Institutions

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Acronyms

AFRICAP	United States Department of State Africa Peacekeeping Program
AMISOM	African Union Mission in Somalia
ICRC	International Committee of the Red Cross
NGO	Non Governmental Organization
PAE	Pacific Architects & Engineers
PMC	Private Military Company
PMF	Private Military Firm
PMSC	Private Military and Security Company
PRS	Physical Risk Solutions
PSC	Private Security Company
SCS	Sterling Corporate Services
SNM	Somali National Movement
SPM	Somali Patriotic Movement
SPU	Special Protection Unit
TFG	Transitional Federal Government
UN	United Nations
UNDP	United Nations Development Programme
UNITAF	Unified Task Force
UNOSOM	United Nations Operation in Somalia
US	United States
USC	United Somali Congress

Chapter one: Introduction and background

1.1 Introduction

For more than two decades Somalia has been haunted by civil war, becoming a byword for perpetual violence. Suffering from the absence of a permanent and effective government the country is regularly ranked as one of the most unstable areas in the world, and is found on the top of the list of failed states year after year (Fund for Peace 2012). The turmoil in Somalia has offered lucrative investment opportunities for Private Military and Security Companies (PMSCs). This thesis will discuss how the presence of PMSCs affect Somali security sector institutions.

PMSCs acted in support roles for western armies in a series of international interventions in Somalia during the first half of the 1990s, after the fall of the regime in 1991. The current United Nations (UN) approved intervention, the African Union Mission in Somalia (AMISOM), also has PMSCs working under its umbrella. Some are financed by foreign governments, like the United States (US), to fight against the Islamist militia al-Shabab (New York Times 2011), while there is also a number of PMSCs providing static guard and escort services to Non Governmental Organizations (NGOs), humanitarian organizations and other actors from the international community. But not only actors from the international community hire PMSCs. All three political entities within Somalia, namely Puntland, Somaliland and the Transitional Federal Government (TFG)¹ in Mogadishu, have contracted PMSCs to build the capacities of their maritime security sector.

It is argued that the presence of PMSCs in weak states can erode state power, diminish the monopoly on the state's legitimate use of violence and prevent national institution building (Hansen 200:585; Østerud 2005:103). I want to analyze this argument by trying to find out how the presence of PMSCs affect the stabilization process in Somalia, and particularly how the companies affect security sector

¹ The TFG has been in power in Somalia since 2004, but in August a new federal Parliament was convened swearing out the transitional administration. The transition towards a permanent government is ongoing, but as this thesis must refer to the situation as it was during the research period, the TFG is referred to as the internationally recognized authority of Somalia.

institution building. Much of the literature on the topic focuses on the negative sides of private contractors getting involved in weak states or areas of limited statehood, however, *this study seeks to examine the extent and ways to which PMSCs in Somalia enable institution building in the Somali security sector.* Three sub questions are examined:

- *To what extent does the UN see PMSCs as a contributor to stability?*
- *What types of PMSCs are present in Somalia?*
- *How do the locals perceive the PMSCs in Somalia?*

1.2 Structure of the thesis

This chapter offers an introduction to the issue of PMSCs and gives background information about Somalia. First a definition of PMSCs is given, proceeded by a section explaining the growth of PMSCs after the Cold War. A segment consisting of a brief summary of recent Somali history gives insight to the situation in the country and the chapter ends with some thoughts around labeling Somalia as a failed state.

Chapter two explains the methodology applied. It goes through the use of sources and describes how interviews were planned and conducted, and also gives an account of safety issues that had to be taken into consideration.

In chapter three the theoretical framework is accounted for. The main focus is on the theory of the state's monopoly of legitimate use of violence, but other theoretical concepts are also discussed and included in the framework.

Chapter four seeks to answer the first of the three sub questions examined in the thesis statement. This is achieved by giving an account of the arms embargo on Somalia and by examining UN policy regarding the use of PMSCs.

Chapter five gives an account of the variety of PMSCs operating in Somalia. It shows that there is a difference in regard to what types of PMSCs are present in the different geographical areas, and that whether a private contractor is successful over time or not seems to depend on if it operates within the limits of the liberal peace paradigm.

Chapter six offers an impression of how PMSCs are perceived by Somalis. Based on interviews and literature review it also discusses issues concerning transparency and accountability.

Finally chapter seven provides some concluding remarks and suggestions for further areas of research.

1.3 Definition of Private Military and Security Companies

PMSCs do not have a clear-cut definition. Different authors use different terms and this can cause confusion. «Mercenaries», «contractors», «private warriors», «corporate warriors», «private military firms» and «private security companies» are all frequently used in the media and the academic literature to cover the same phenomenon, and all these labels create rather different associations. The industry itself often resorts to somewhat inconspicuous labels such as «security management companies» and «risk mitigating companies», or alternatively, they avoid labels and simply describe their services (Østensen 2011:7).

Some scholars distinguish between private security companies (PSCs), private military companies (PMCs) and private military firms (PMFs), but in reality many companies provide a wide range of services. One company's services can vary from typical military services such as participating in combat, to other services related to more traditional security, such as providing static guards. In accordance with the definition in The Montreux document (ICRC 2009) this thesis uses the term private military and security companies with the initials PMSCs to denote all companies that provide either private or military services or both. If authors quoted in this thesis have used other acronyms for PMSCs, their typology has not been changed within the quotations.

This thesis' use of the term PMSCs cover companies that offer offensive and defensive services. The companies' activities can range from logistic functions like catering, transport and other support functions to military training and front line combat (Østerud 2005:79). PMSCs are «corporate bodies that specialize in the provision of military skill. [...] By the very fact of their function, they break down

what have long been seen as the traditional responsibilities of the government» (Singer 2008:8).

There are several ways of classifying the different types of PMSCs within the academic literature. The «Tip of the Spear» typology is a simple model for classification which is helpful in understanding the various actors' activities. In this model the companies are divided into three types according to their range of services and level of force, and the «tip of the spear» symbolizes the front line. The first type, «military provider firms», conducts services at the front line. They can engage in the actual fighting as specialists or through command of forces. The second type, «military consulting firms», offers training and advisory services. The third type, «military support firm», provides supplementary military services like non-lethal aid and assistance. These supplements are for instance technical support, transportation, intelligence and logistics (Singer 2008:91-100).

Christopher Kinsey argues that PMSCs can be classified along two axes: The means they use to secure their objective, ranging from lethal to non-lethal, and the object of their protection, ranging from private to public (Kinsey 2006:10).

The companies described in the case study of this thesis span all three of Singer's categories and are placed along both of Kinsey's axes, ranging from direct involvement to consultancy and logistics. This thesis uses the blanket term PMSCs to describe all the companies, whatever they are doing, and then uses Singers «Tip of the Spear» typology to try to assess the effects of PMSCs on security sector institution building.

What is meant by «institution building»

Institutions are broadly defined as the formal and informal constraints that shape human interaction, and they can be social, economic, legal or political. (North 1990:3) Informal institutions include culture, norms and conventions backed by social custom. One example of such an informal constraint is the structure of family. Also, many economic and social interactions are based on informal norms of trust and reciprocity (Coyne & Leeson 2010:2-3). Examples of formal institutions are the police, military and court systems and political structures such as a parliamentary or presidential

system. Most societies have a mix of formal and informal institutions. «In providing the rules of the game, institutions provide incentives by influencing the costs and benefits associated with different activities. As such, institutions provide constraints on what can and cannot be achieved at any point in time» (ibid).

This thesis' focus regarding institution building is mainly placed on state entities with a role in ensuring the security for the state and its people. Thus it includes armed forces, entities with a responsibility of protecting the state's territories, and actors that can play a role in the overseeing an implementation of security, such as ministries.

Growth of Private Military and Security Companies

After the Cold War there has been a tremendous growth in the private security industry. PMSCs have increasingly been replacing or supplementing national military and security personnel in conflict areas. «Military downsizing led to a flood of experienced personnel available for contracting» (Avant 2005:31). According to Peter Lock history shows that it is often the case that the downsizing of militaries, for whatever reason, leads to a rise in private military activity as skilled personnel look for places to sell their talents (1999:11).

While there was an increase in the supply of skilled personnel on the private market after the Cold War there was a simultaneous increase in the demand for military skills. With the end of the Cold War «global threats became more varied, more capable, and more dangerous, while the traditional responses to insecurity and conflict were at their weakest. This transformation fed into a larger phenomenon of state collapse and resulted in new areas of instability» (Singer 2008:49). Some countries were seeking to upgrade and westernize their militaries as a way of demonstrating qualification for entry into western institutions, rulers of weak or failing states who were no longer propped up by superpowers needed assistance, and non-state actors such as private firms, NGOs, and groups of citizens in the territories of weak or failing states requested professional aid (Avant 2005:31).

Western governments have turned to private actors as a result of rising costs of national standing armies, professional training and armaments research

and development (Krahmann 2002). The revolution in military affairs is seen as a driving force to the increasing privatization of the military: The requirements and need for specialized personnel has boosted because of the development of high-technology warfare, close cooperation between the industry and the military is essential, and expertise must often be hire from private contractors (Østerud 2005:91).

The development towards a privatized military can also be seen in a historically more philosophical perspective. The French Revolution marked the start of the rise of national state armies, and for the last few hundred years war, and thus the armies' soldiers, has been identified with the pursuit of national interest (Kinsey 2006:43). It was starting from this period of time that the loss of a soldier was regarded as a loss for the entire nation. «The armed forces were regarded, not as a part of the royal household, but as the embodiment of the Nation» (Howard 1976:110). With the growth of PMSCs, however, we might be witnessing somewhat of a shift from state armies in the sense that modern warfare is more instrumental and is «determined almost entirely by what it takes to kill members of the opposing side» (Coker 2002:59). If military security and warfare is no longer seen as a way of confirming national identity, but is considered an expense just like other expenses, it may be outsourced. According to Mark Malan the «Somalia effect», named after a failed operation where 18 US soldiers were killed in Mogadishu in 1993, was a turning point after which there has been a reluctance from western states of risking the lives of their national military's soldiers in weak states' inner problems (1999:42). The effort to capture the warlord Mohamed Farrah Aideed went terribly wrong for the US troops when two helicopters were shot down in Somalia's capital, and when newspapers printed pictures of militia dragging the soldiers' mutilated corpses through the streets, the news of the humiliating defeat spread around the world (Bowden 1999). The failed operation put heavy pressure on President Clinton and it was claimed that it made him look disinterested in the welfare of US soldiers (ibid:311). Engagement of western national militaries in weak states may lead to unpopular losses, and possibly cost governments their powers since citizens can punish parties in power with defeat in the next election (Doyle 1997:280). Hence there is an incentive for the governments to

find means of using force without losing political support, and this is where the PMSCs can offer a solution.

1.4 From independence to state collapse

The failed operation in Mogadishu in 1993 mentioned above is often referred to as the «First Battle of Mogadishu» or «Black hawk down» and is probably the single most famous event in the history of Somalia thanks to the book and subsequent movie about the incident. This event marked the beginning of the end of UNOSOM II, which was the third in a series of international interventions after Somalia's central government collapsed. The country was left in a state of anarchy that has reigned ever since, but there was a history of violence in Somalia long before the collapse of the state (Harper 2012:51-56). However, not all of Somalia is as war-torn as one might get the impression of. «Many Somalis, aid workers, diplomats, academics and others [have] mentally divided the territory into three, referring to it as the separate units of 'south-central', Puntland and Somaliland, even if they officially recognized it as a single country» (ibid:3). The separation will also be made in this thesis as it is fruitful to follow the classification because the security situation differs much between the three territories, and accordingly there is a difference between the types of PMSCs hired in the different parts of Somalia and in the regions' overall need of resolving to private contractors.

The Republic of Somalia – 1960-1969

The Republic of Somalia was formed in 1960 by joining the former colonies of British Somalia, which is today's Somaliland, and Italian Somalia, which consisted of what is today Puntland plus south and central Somalia (Le Monde diplomatique 2010). The Republic was modeled after western democracies with a prime minister, a National Assembly, and an elite bureaucracy. However, unlike western democracies, in Somalia division into clans and subgroups within clans are a fundamental aspect of life and the interaction between Somalis (Coyne & Leeson 2010:4).

Since individuals identify primarily with their clans, there is no real Somali national identity, according to Coyne and Leeson, and as a consequence there was no

support for the formal institutions established at the time of independence in 1960 (ibid). The result was a fragile political system where various factions sought power to benefit their narrow group, ultimately leading to the assassination of President Abdirashid Ali Shermarke in 1969 in what appeared to be an act of revenge linked to a clan dispute (Harper 2012:54).

Muhammed Siad Barre's regime

Following the assassination of the president in 1969 General Muhammed Siad Barre seized power through a bloodless coup and was to stay in power for more than 20 years. His regime has been referred to as the antithesis of western liberal democracy and was characterized by brutality against ordinary citizens and the absence of basic infrastructure and other goods and services that well-functioning governments provide (Coyne & Leeson 2010:5). Barre tried to eradicate the clan, one of the most fundamental elements of Somali society, by forbidding Somalis to refer to each other by their clan. Somalia were allies with the Soviet Union and North Korea, and «one of the key slogans for the new Somalia was ‘Tribalism divides, Socialism unites’» (Harper 2012:54).

In 1977 Barre declared war against neighboring Ethiopia with the aim of capturing the Ogaden and establishing a Greater Somalia, but was defeated when the Soviet Union abandoned Somalia and instead started to supply Ethiopia. Devastation caused by losing the war led to a growing rebellion against the regime. As the political and economic situation further deteriorated clan based rebel groups intending to overthrow the regime mushroomed (ibid:55). By the 1980s a number of rebel movements had formed in opposition to Siad Barre's regime all over the country. The Somali National Movement (SNM), the Somali Patriotic Movement (SPM) and the United Somali Congress (USC) established themselves, and in August 1990 SNM, SPM and USC met in Ethiopia and agreed to form a united front against Siad Barre. «By this time, in a situation strikingly similar to that of twenty years later, the central government's control did not extend much further than the capital city» (ibid:56). The regime ultimately collapsed in January 1991.

State collapse and international interventions

The fall of Siad Barre did not lead to the end of the civil war. Shortly after the fall of the regime, it became clear that the various rebel groups failed agreeing, and thus turned against each other. The government crumbled and «since 1990 the majority of Somalis have lived without any effective central leadership» (ibid:57).

The international community viewed the collapse of the regime as problematic because it left Somalia in a state of perpetual violence. Civil war combined with drought led to the UN Security Council authorizing the United Nations Operation in Somalia (UNOSOM) in April 1992 – the first in a series of peacekeeping and famine relief operations. It was a relatively small operation, and when it proved to lack the necessary persuasive power, a new American-led force known as the Unified Task Force (UNITAF) was launched in December the same year under the optimistic title «Operation Restore Hope». For the first time in its history the Security Council approved unilateral UN intervention with the use of offensive military force in a sovereign state. The operation had some initial success in ensuring aid convoys, but neither the UN nor the US fully understood the complexity on the ground and things started to go badly for the operation, which by March 1993 had become the largest UN operation in the world known as UNOSOM II. Somali factions rejected armed foreign peacekeepers' presence, and the conflict reached its most critical point in the «First Battle of Mogadishu» after which president Clinton ordered the American troops home. Western contingents were replaced by third world troops for the last stage of the operation and its eventual disbandment in March 1995 (Lewis 2008:78-81; Harper 2012:60-61).

1.5 Viable institutions within Somalia

The departure of the UN forces led to years of international neglect of Somalia. Foreign powers have sponsored conventions aiming at ending the various conflicts that arose after the collapse of the state ever since the fall of Siad Barre, but despite numerous national reconciliation conferences and other attempts to revive and reestablish a central government, the country is still in lack of a central state and institutions and is portrayed as the world's most comprehensively failed state

(Menkhaus 2004:8; Harper 2012:8, 199). The various meetings and conferences have produced a succession of weak transitional governments, all of which have not so far resulted in ending the conflicts or establishing satisfactory structures. «These governments have controlled limited parts of the country; their authority has sometimes extended to no more than a few blocks of the capital, Mogadishu» (Harper 2012:199).

Robert Jackson makes the distinction between positive and negative sovereignty and refers to quasi-states, a concept created to describe some ex-colonial states. Negative sovereignty is defined as the freedom from outside interference, meaning it's a formal-legal condition. But even though a country enjoys juridical statehood, it can lack the institutional features of sovereign states as defined by classical international law – they have limited empirical statehood or positive sovereignty (Jackson 1990). Positive sovereignty is where governments possess the ability to provide political goods for its citizens and exercise effective dominion over its people (ibid). Somalia undoubtedly has a lack of positive sovereignty and one can argue that the country is a quasi-state, or indeed a failed state.

The TFG was in power in south-central Somalia from 2004 until August 2012, and was thus still in power during the research for this thesis. Due to the instability in the region, south-central Somalia, and mainly Mogadishu, is where most of the PMSCs are located. There is a large number of security related private contractors in and around the capital. Even though the TFG was the internationally recognized government of Somalia, its de facto control over Somali territories has greatly varied over the years since it was formed. «Somalia's frail Transitional Federal Government has struggled ineffectually to contain a complex insurgency that conflates religious extremism, political and financial opportunism, and clan interests» (UN Security Council 2010:6).

But it is not accurate to characterize all parts of Somalia as a failed state. Menkhaus points out that «far from sinking into complete anarchy, Somalia has seen the rise of sub-state polities, some of which have assumed a fragile but nevertheless impressive capacity to provide core functions of government» (2004:11). In the northwest the SNM was strengthening its position throughout the region when the

state collapsed, and after breaking away from Somalia in May 1991 Somaliland loosened itself from outside interference. The people of Somaliland have built a system that was initially based on clan politics and respect for elders, but over time has incorporated more modern political institutions and processes. «Somaliland is in many ways the strongest political entity within the internationally recognised borders of Somalia» (Hansen 2008:594). Since Somaliland itself is not internationally recognized as a sovereign country the government has its limitation, however, some label it one of the most stable polities in the Horn of Africa with democratic credentials to rival any country in the region and most Muslim states (Lewis 2008:72-76; Harper 2012:123-126).

The neighboring northeastern region of Puntland is another area of relative stability. Puntland has had its own president, government and regional administration since 1998, but instead of following the example of Somaliland by declaring itself independent, it operates as a sort of «mini-state» within Somalia. Through its short history as a semi-autonomous region Puntland has experienced a number of political upheavals, and for years it served as a stronghold for piracy (Harper 2012:109). The situation in Puntland is thus not as stable as in Somaliland, but it is far from as volatile as the condition in south-central Somalia.

Some claim that the concept of a failed state is dangerously limiting, because the choice Somalia faces is not between its current state and the type of liberal democracy that exists in the developed western world. Coyne and Leeson (2010:5) argue that the government collapsed not because it was poorly designed, but because existing informal institutions were at odds with the formal institutions that were imposed, with dysfunction being the result. International interventions that have attempted to establish new formal institutions with a central government have failed for the same reason, which is probably a good thing, according to Coyne and Leeson, because if another functioning central government was established it is probable that it would resemble the Barre regime. In many weak or failed states the absence of such a predatory central government may be preferable to the existence of any form of central government, and thus Coyne and Leeson concludes that anarchy in Somalia is a

constrained optimum given that ideal political institutions are not within Somalia's feasible institutional opportunity set (2010:5-6).

Chapter two: Methodology

2.1 Introduction

The scope of this study suggests a descriptive research method. The thesis sets out to get an overview of the range of PMSCs working in Somalia, see how they affect local institutions and get an impression of how the public perceives the PMSCs. The exploratory method is considered suitable because the study of PMSCs is marked by uncertainty and a lack of specific theories (Marshall & Rossman 1999:32-34). The research for the master thesis has primarily been conducted with qualitative methods through interviews and literature review. Qualitative methods are defined as fundamentally interpretive research tools used in a natural setting to understand a social phenomena holistically, and formed with words based on reporting detailed views of participants (Creswell 2003:181-183).

Since I have not found statistic material related to PMSCs in Somalia that could initiate an interesting quantitative research method, I find the qualitative method best suited for my thesis. Quantitative studies are here understood as statistical analysis where the research is presented with numbers and the researcher interprets the pattern in the data material (Hellevik 1999:13).

The research design for this thesis falls into the broad category termed case study. Yin defines a case study as «an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident» (2009:18). The case study is seen as having a distinct advantage when a «question is being asked about a contemporary set of events, over which the investigator has little or no control» (ibid:13). This thesis should benefit from using case study as a research method because the hiring of PMSCs is a contemporary phenomenon and the actions related to it is out of my control. It might, however, be questioned to what degree companies have been studied within their real-life context. I went to Nairobi, Kenya, and to Hargeisa and Berbera in Somaliland to do interviews. Interviews were conducted with Somali businessmen, a Somali member of parliament, several UN sources, sources within the TFG and representatives of PMSCs. Two of the interviews were conducted

in Norway: The first with the head of Nordic Crisis Management, a security advisor firm that has been involved at the Berbera port for several years; the other with a source within the TFG that happened to be in Norway at the time. Because of the security situation in Mogadishu, where most of the PMSCs operate, I did not go there to observe PMSC employees in action. Consequently references of how PMSCs work in Somalias capital are obtained through interviewees and not by first hand observation. Due to the security situation I did not go to Puntland either. Safety issues are discussed more at length later in this chapter.

2.2 Primary and secondary sources

The academic field of PMSCs is constantly developing, and even though there is a growing selection of articles and books on the subject it is still relatively young. Much of the existing literature focuses on so-called private mercenaries' history in Africa, but there is little to find specifically on Somalia, thus a literature review is not sufficient in a case study of Somalia.

Good construct validity has been an objective through the to use of multiple sources of evidence (Yin 2009:40). Construct validity can be defined as a matter of «identifying correct operational measures for the concepts being studied» (ibid). In addition to choosing interviewees that have obtained knowledge about PMSCs working in Somalia, and interviewees that have knowledge about how the companies are perceived on the local level, I have relied on academic contributions, research papers, official UN-reports, and other publications such as journalistic work in the investigation. There are few academic sources that focus on PMSCs in Somalia specifically. The analysis is therefore to a great extent based on primary and secondary sources like documents and interviews.

2.3 Interviews

I conducted interviews in Nairobi, Kenya and in Hargeisa and Berbera, Somaliland during an approximately four week long trip in April and May 2012. Interviews were

found to be especially useful because the study is dealing with sensitive and controversial issues like privatization of military tasks and profit from war or war-like actions. I feel confident that the face-to-face meetings motivated the interviewees to answer fully and accurately. It is my clear impression that many of the interviews would have been impossible to conduct via telephone or email, and the fact that I made an effort to meet with the interviewees made it easier for them to trust me. Since the scope of the thesis opens for a descriptive and exploratory research, topical interviewing was chosen as method. This form of interview is structured towards the aim of piecing together from different people a «coherent narrative that explains puzzling outcomes» (Rubin & Rubin 1995:196). The puzzle in this thesis is to examine the extent and ways to which PMSCs in Somalia can enable security sector institution building, more specifically by studying what types of PMSCs are operating in Somalia, describing how the PMSCs' services are seen as a contributor to stability, and getting an impression of how the public perceives the PMSCs. Since the topic was clearly defined, I met the interviewees with a set of specific questions – a so-called interview guide (ibid:197). The guide was formed as a checklist of the main topics, and the list of questions was structured in an order that seemed suitable for promoting a productive discussion. Open-ended questions were preferred because they can assume a conversational manner and the researcher «can ask key respondents the facts of a matter as well as for the respondents' opinion about events » (Yin 1994:84). I also tried to prepare questions that opened for relevant follow-up questions on the spot. If the interviewees drifted away from the main topics, as could happen, the interview guide was used to steer them back on track (Rubin & Rubin 1995:208).

The presence of PMSCs in Somalia is seen as a controversial issue. I adjusted to this by not asking questions that could be perceived as provocative or that was sensitive to the interviewees until late in the interviews. It was important to avoid a deadlock early in the process (ibid:197-208). Topical interviews can be categorized as a mix between a formal and an informal research approach. I think «semi structured» is a good description of these type of interviews. The interviews were informal enough to open for personally adjusted follow-up questions, but they also had traits of formality through the interview guide with the predetermined topics (Marshall &

Rossman 1999:108).

Most of the interviewees could speak English, but for the few interviews where the interviewees did not speak English an interpreter assisted in translating. There is no doubt that some information is lost through the process of translation, but I used the same interpreter throughout the stay in Nairobi, and we talked about the topic of the thesis and how we could ensure that the interviews were translated as good as possible. While I was in Somaliland I had no use for an interpreter. I did have a fixer who helped me with attaining a visa and with various other practical issues, but she did not assist in getting interviews for the thesis. In Nairobi the interpreter also functioned as a fixer, and it was through him I got in touch with most of the Somalis interviewed for the thesis. I made it clear to the fixer that I wanted to meet Somalis with different perspectives on the role of PMSCs. He is Somali, knows the Somali diaspora in Nairobi and had connections in the TFG and in the Somali community. Without his help it is likely that getting interview appointments with the Somali interviewees would not have gone as smoothly as it did. I also experienced that it became increasingly easier to get appointments with relevant interviewees after I had been in Nairobi a few days and had met people in person and told them about my project. Although the interviewees' specific knowledge about PMSCs varied, I believe the interviews have formed a solid basis for the analysis of the research question.

Informed Consent

All interviewees were informed that they were participants in a research project that would be published. Both for ethical and practical reasons it was important that they were aware of the nature of the project. Each interview started with me presenting the project and myself. In addition to making sure the interviewees were informed of what they were a part of, these short oral presentations were helpful for me to structure my thoughts and made me more aware of what I prioritized in the thesis. Informed consent is a ground rule in social science. The core of the concept is that all participants shall be informed of what might occur when the research is published. They must be able to comprehend this information and make rational judgments about it (Denscombe 2010:67-69). All the interviewees were asked if they accepted that the interview was

recorded. Two interviewees refused to have the interviews recorded, thus it was important that good notes were taken during those interviews. The interviewees were all asked if they would mind if their names appeared in the thesis. Five out of fourteen interviewees wanted to be anonymous.

2.4 Safety issues

Somalia is regarded as one of the most hazardous countries on earth, Mogadishu one of the world's most dangerous cities. One of my very first actions in Nairobi was to make contact with the Norwegian embassy, as it is the embassy in Kenya that also has responsibility of Norwegian interests in Somalia. I met with the counselor who deals with Somalia and informed him about my plans in Nairobi and asked for advice concerning the security situation in Somalia and Somaliland. The official travel advice for Somalia from the Norwegian authorities is that they discourage all travel or stay in south-central, and north-eastern Somalia and recommend Norwegians who are in those areas to leave immediately. For Somaliland all travel that is not strictly necessary is discouraged. I inquired about the possibility to go to the green zone at the airport in Mogadishu, where most of the PMSCs are located, but the embassy strongly advised me not to go to south-central Somalia. While I was in Kenya and Somaliland to do research, preparations were being done for the then upcoming election of parliament in Mogadishu. According to the Norwegian embassy the security threat was therefore higher at that time, and all international personnel were potential targets.

Although it might have been perfectly safe at the Mogadishu airport compound, commonly referred to as the green zone, I decided to follow the security advice from the embassy and did not go. I recognize that it is certainly not ideal that I have not been able to witness the situation under which the PMSCs operate with my own eyes, but must thus rely on the observations of the interviewees. If I had gone to the green zone I would have had to buy security services from the companies I was there to interview and observe, and that would have posed new methodical and ethical questions.

Unfortunately I was not able to go to Puntland, also because of security concerns. Due to my lack of sources and practical knowledge about the Puntland region I concluded that it would not be worth the risk to go there. One PMSC operating in Puntland is discussed in this study. Information about the specific PMSC and the conditions in Puntland has been obtained through interviews with UN sources and Somali nationals in Nairobi and Somaliland.

In Somaliland I had a fixer who helped me with practical issues before my arrival. The capital, Hargeisa, is relatively safe, so I did not need to hire security while I was there. However, on the route from Hargeisa to Berbera one can encounter robbers, and I was advised to hire a team from the Special Protection Unit (SPU) to escort me. SPU is not a private security company, but a part of the Somaliland police force partially trained by the United Nations Development Programme (UNDP), and typically does security services for UN personnel.

Chapter three: Theoretical framework

3.1 Introduction

The aim of the theoretical framework is to form a platform for the analysis of the research question. The theory of *the state's monopoly of legitimate use of violence* is the foundation of this analysis. But I have also found it natural to include the concept of *accountability and transparency*, *liberal peace theory* and *agency theory* in the theoretical framework. Collectively these concepts will open for a fruitful discussion regarding the role of PMSCs in Somalia.

3.2 The state's monopoly of violence

The state's monopoly of legitimate use of violence is an essential theory used in most of the literature concerning PMSCs, and it has been claimed that the privatization of warfare, and thereby the hiring of private contractors that started to blossom after the Cold War, can challenge the traditional role of the state (Matlary and Østerud 2005:11-12; Singer 2008:7). Krahmann states that «Social Contract theorists from Thomas Hobbes to Jean-Jaques Rousseau have argued that citizens give up their right to the private use of force other than in self-defence in return for protection by the state» (2010:11), but it is Max Weber's definition of the state that is most commonly used as reference. According to Weber a state is fulfilling its core task if it maintains an exclusive «legitimate use of physical force» (1964:154). The foundation of the state may therefore be challenged when the absolute control of violence is starting to break down through the delegation of military tasks from the government to private actors (Singer 2008:18). But at numerous stages in history non-state actors have played key roles in state building, and from a broad historical view the state's monopoly of both domestic and international force is an anomaly, according to Singer: «These organizations also had a tendency to become powers unto themselves [...] and often grew superior in power to local political institutions, particularly in areas of weak governance» (2008:39).

Elke Krahmann suggests that we are witnessing a norm change when it comes to the state's monopoly on violence, referring to western governments that not only tolerate, but also actively encourage the growing role of PMSCs both domestically and internationally. The proliferation of PMSCs on the international arena «concern to a large extent weak states and areas of limited statehood, which only have ineffective legislative and police authorities or armed forces» (Krahmann 2009:27). In 2008 17 states signed the Montreux Document, which according to its initiators, the International Committee of the Red Cross (ICRC) and the Swiss government, reaffirms the obligation on states to ensure that PMSCs operating in armed conflicts comply with international humanitarian and human rights law. But according to Krahmann the Montreux Document shows that states appear to be unwilling to reassert their monopoly on the legitimate use of collective force in international affairs as many western militaries have legitimized – and rely on – private contractors, and expect NGOs in conflict areas to hire PMSCs for their own safety:

Since much of international humanitarian and human rights law has developed on the basis of the norm of the state monopoly on the legitimate use of armed force and the primacy of interstate wars, it only controls the private use of armed force in local conflicts or insecure regions in exceptional circumstances. As a result, the legal constraints which ensure the legitimacy of PSCs at the domestic level in Western democracies are missing from the international arena (Krahmann 2009:28)

Although there seems to be a consensus among the academics that privatization of military and security can challenge the state and even erode state power, especially in so-called weak states, some say too narrow a vision of the state's monopoly on violence risks becoming a hindrance, leaving only the option of seeing PMSCs as a definite erosion of the state (Abrahamsen 2011:8-9). Abrahamsen argues that some of the best analyses of PMSCs in Africa have shown how state actors have sometimes been able to draw on external private military support in order to strengthen their position and gain autonomy, and this demonstrates how important it is to resist «too easy a retreat to the safe and cosy language of condemnation» (2011:236).

In light of the various views on PMSCs' role in relation to the concept of the state's monopoly on the use of force in the academic literature, it is relevant to see how this applies to Somalia. Somalia is a weak state, maybe the most extreme variant

of the kind, and accordingly it is unnatural to compare its situation with the ideals of liberal democracies of the west. 20 years of civil war has set its marks, and one can argue that there actually is no state to erode by outsourcing security tasks that the state ideally should be responsible of providing. When talking about the state's monopoly on the use of violence in Somalia, one is talking about the monopoly the state should have had, rather than the state's actual power.

3.3 Other theoretical concepts

Closely related to the question of the state's monopoly of violence is the issue of accountability and subsequent of transparency. If security tasks that are traditionally considered to be the responsibility of the state are taken over by private actors, accountability is shifted from parliaments to the companies' shareholders. The accountability of violence against the public from state agencies, which wield force in the name of the collective, is ensured through representative bodies such as elected governments and parliaments. In contrast, private armed forces are controlled and accountable exclusively to their employers or shareholders (Krahmann 2009:3).

The US' extensive use of PMSCs in Afghanistan and Iraq have contributed to alienate the local populations and left an impression among locals that foreign perpetrators go free, according to the organization Human Rights First. Especially the Nisoor Square killings in September 2007, where the US private security contractor Blackwater Worldwide killed 17 and wounded 24 civilians in Baghdad's Nisoor Square, gave PMSCs a bad reputation and revealed large gaps in relation to accountability. «It defies logic that a U.S. soldier who commits a crime abroad can be held accountable under U.S. law, but a private contractor who commits the same exact crime may not» (Human Rights First 2012). But this is not a problem only concerning PMSCs registered in the US. According to Krahmann there is a lack of suitable stipulations in international law that can be applied to the operations of PMSCs in areas of limited statehood, disarraying the relation to both accountability and legitimacy: «Instead of legal and political legitimacy, the private use of armed force in

international affairs thus gains its legitimacy primarily from practical reasoning» (Krahmann 2009:28).

The term transparency is closely linked to accountability. Transparency is here simply understood as «the free flow of information within an organization and between the organization and its many stakeholders, including the public» (Bennis et al 2008:3). In regards to PMSCs it indicates the level of openness connected to the companies actions. Naturally security concerns will to some degree have to limit PMSCs transparency in some cases, but if companies operate with a low degree of transparency it can create suspicion. Secrecy in regard to sensitive information can make them vulnerable and create wariness as to if important information, or illegal activities, are kept from the public (ibid:5-6)

Liberal peace theory, or democratic peace theory, supposes that pairs of democratic states are more successful in maintaining peaceful relations than pairs that include at least one non-democratic state, and democracies are more peaceful internally than other regime types (Hegre 2005:17). In regards to this thesis liberal peace theory is relevant in two aspects, the first being that is argued that international interventions in Somalia have tried to create peace by imposing formal institutions based on the type of liberal democracy that exists in the developed western world (Coyne & Leeson 2010). The second aspect is that in its attempt to democratize Somalia, western governments have increasingly been using PMSCs, because the loss of soldiers' lives in other state's inner problems can make political leaders unpopular, and citizens can punish parties in power in the next election (UN source no.1 2012 [interview]; Doyle 1997:280)

PMSCs operating in Somalia are contracted by the TFG, UN agencies or by private individuals or other groups. Regardless of who contracts the PMSC, a situation may occur where the company that is delegated power exploits its position – the PMSC, the agent, can act in conflict with the interests of the one who delegated the power, the principal. In political science this is referred to as the principal-agent problem, or agency theory. The agent may acquire hidden knowledge and information that can give benefits if the principal is not informed. Also, the agent can perform hidden actions because the principal normally is not capable of monitoring all the tasks

it has delegated. If there is little or no fear of sanctions, the agent may perform actions for its own gain in conflict with the interest of the principal. (Rasch 2000:67-81). Though this is not the main theory in this thesis, it is relevant to include it as a part of the theoretical framework as it can be linked to the question of accountability.

Chapter four: The UN's view on PMSCs

4.1 Introduction

This chapter seeks to answer the question of to what extent PMSCs are seen as a contributor to stability by the UN. To perform security tasks effectively and safely PMSCs need to import armored cars and other types of security equipment into the country. But since 1992 there has been a complete arms embargo on Somalia in order to prevent just anyone from importing weapons, ammunition and other gear. Through literature review and additional information acquired through interview, the chapter provides a picture of the UN's policy concerning its own and others actors' use of PMSCs.

4.2 Arms embargo on Somalia

There is a general and complete arms embargo on Somalia. The UN Security Council imposed the open-ended embargo in 1992 through resolution 733 (UN Security Council 1992). Since then there have been some modifications to the embargo, including in 2006 when the embargo was partially lifted in a resolution that authorized African Union member states to deploy a regional intervention force to protect the TFG and to arm and train the TFG security forces (UN Security Council 2006). This operation, known as AMISOM, was established to replace Ethiopian troops that had invaded Somalia at the invitation of the TFG to defeat the networks of Islamic courts which had taken over large parts of the country (Hull & Svensson 2008:8). One year later, in 2007, the arms embargo was revised again, being limited to non-state actors (UN Security Council 2007). It allows the supply of weapons and military equipment intended solely for the purpose of helping develop the Somali security sector institutions through the regional intervention force – all other financing of arms acquisitions as well as the direct or indirect sale or supply of technical advice or military training is prohibited. Thus it is actually not possible for international PMSCs to provide armed or unarmed security personnel, protection, security advice or any military service in Somalia without direct authorization from the Sanctions Committee

(UN source no.1 2012 [interview]). Nevertheless there are numerous PMSCs working throughout Somalia, and far from all operate with authorization or exemption from the arms embargo.

Since external assistance to Somali security sector institutions must follow the procedures stipulated in Security Council resolution 1772 (2007), the provision of such assistance, in the absence of authorization from the Committee, constitutes a violation of the general and complete arms embargo on Somalia imposed by Security Council resolution 733 (1992). (UN Security Council 2012)

A UN source claims that the current situation shows that the Security Council resolution does not take into consideration that there could be a private security sector in Somalia, and the arms embargo did not anticipate the deployment of such security presences given that the arms embargo is being breached «every week, maybe even every day» (UN source no.1 2012 [interview]).

PMSCs under the UN flag

One can argue that PMSCs were introduced to Somalia through the UN sanctioned interventions in the 1990s: During the UNITAF and UNOSOM engagements PMSCs acted in support roles for western armies (Houston Chronicle 1992). The international interventions were founded on an idea of liberal peace based on western concepts of democracy, which Roger Mac Ginty claims was «manifest in virtually every post-Cold War intervention conducted in the name of ‘the international community’» (2010:578). Michael Barnett (2006) also claims that the liberal peace building paradigm became the underlying paradigm for many of the state building missions after 1991. The idea has been to reconstruct the intervened state as an ideal western liberal state. An important aspect in doing so has been to bolster the states to claim a monopoly of violence, and consequently military forces and contracted PMSCs became a part of the peace building agenda (Mac Ginty 2010:579-580).

The AMISOM mission, which started to deploy its forces in 2007, has a mandate of establishing peace and democracy (Hull & Svensson 2008) and can be seen as yet another liberal peace building project in Somalia. PMSCs are currently working for both AMISOM and UN agencies, indeed, in general the use of PMSCs within the UN is rather extensive, and PMSCs frequently get involved in UN

operations especially through member state contingencies. This is a particularly common practice as far as US contributions to the UN are concerned (Østensen 2011:13). But it is not only through member states PMSCs get involved in doing tasks under the UN flag. Østensen states that PMSC contracting appears to be a common practice of many of the UN agencies: «The private military and security industry increasingly offers services that penetrate some of the core activities and tasks of the United Nations and is eager to supplement the tasks often performed by UN organisations» (ibid:6).

As mentioned above there was an increase of interventions conducted in the name of the international community after the Cold War, and since then the demand for UN delivery on the ground has increased massively. According to Østensen the development of UN personnel getting involved in hazardous areas is one of the main reasons why PMSCs have evolved to be an obvious part of many UN operations:

The new operational environments have often been characterised by complex conflict structures and multiple emergencies. Not only do they tend to require more comprehensive operations, but they also represent the riskiest operational environments for international relief or peace operations personnel. Combined, these factors have put the United Nations under enormous stress in terms of human, financial and organisational capacities, and have consequently greatly contributed to the increased UN use of PMSCs (Østensen 2011:19)

In Somalia, a number of PMSCs have entered the country under the umbrella of liberal peace building projects. It is preferable for PMSCs to be included in the liberal peace paradigm as opposed to being hired by local rulers, because a support operation for a local ruler will depend heavily on the ruler's ability to fund the operation, and lack of success concerning funding will mean an absence of payment for the contracted company and ultimately the entire operations is thus likely to fail². This is not to say that there would not be PMSCs in Somalia had they not been involved in the interventions in the 1990s. The proliferation of PMSCs on the international level, evolving for the last couple of decades, have been likely to primarily concern so-called areas of limited statehood or countries split by conflict, where legislation concerning regulation of private security providers is missing or not effectively enforced. (Krahmann 2009:II, 23). Somalia indisputably falls into this category.

² Examples of PMSCs that failed in Somalia due to lack of funding will be given in chapter five.

4.3 UN policies concerning PMSCs

Even though there is widespread use of PMSCs within the UN, there is no coherent or consistent policy approach managing the system's practice in the area. Rather, it is claimed that different political perspectives and practices flourish throughout the organization, and in part there is a coexistence of separate, and sometimes contradictory, approaches on the issue (Østensen 2011:41).

After the reports of private security personnel killing civilians in Iraq the industry actively lobbied for regulations in order to increase the legitimacy of PMSCs. However, there were other voices opposed to such regulations because they feared that regulations would further undermine the norm of the states legitimate use of violence (Krahmann 2009:9). Rather than making regulations that would further legitimize PMSCs, one way in which the international community has tried to restrict the development of PMSCs is by condemning mercenary activity (Stinnett 2005:215)

The Geneva Conventions define a mercenary as a foreign person who, despite not being a member of the armed forces in the conflict, is specifically recruited in order to fight and is motivated essentially by private gain. But the definition had its flaws: Due to political compromises among the signatory states, the negotiating parties added overly specific descriptions that limited the definition of mercenaries. «The conventions were amended to define mercenaries as only operating in international conflicts (some state parties wanted to use them internally), when, obviously enough, hired foreigners can and do fight in internal conflicts» (Singer 2008:41). The Geneva Conventions exclude military trainers, advisors, and support staff, and PMSCs that fully integrate into a client's forces avoid mercenary classification (Stinnett 2005:216).

Largely due to the perceived inadequacies in the mercenary protocol of the Geneva Conventions, the UN Mercenary Convention of 1989 extended mercenarism to cover all conflicts beyond just international armed conflicts. However, its definition still does not apply to most PMSCs «since it retains both the loophole for those combatants who integrate into a client's armed forces and the problems associated with ascertaining a combatant's motivation for fighting» (ibid:217). In addition, many PMSCs typically operate in areas where there is no declared war, are often employed by private actors, and do not engage in offensive military action, making it difficult to

decide whether they are combatants (Krahmann 2009:II). The UN Mercenary Convention has very little support from member states, and it is widely recognized that neither the Geneva Conventions' or the UN Mercenary Convention's definitions of mercenaries cover a majority of the existing PMSCs (UN source no.1. 2012 [interview]; Østensen 2011:59).

UN agencies can thus contract PMSCs without being concerned about violating international law or its own guidelines, and the issue of PMSC contracting has so far very rarely been dealt with in an open manner within the organization, except from within the «UN Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of Rights of Peoples to Self Determination» (Østensen 2011:40). Although the current Working Group's view appears to be divided, in general it seems to think that PMSCs represent a new form of mercenarism, according to Østensen (ibid). Due to the limitations in the Geneva Conventions and the UN Mercenary Convention, and faced with an explosion in the number of PMSCs, the Working Group drafted a convention to regulate PMSCs – the 2009 Draft International Convention on the Regulation, Oversight and Monitoring of Private Military and Security Companies, which stipulates various ways states should take responsibility for PMSC activities, but does not mention the UN's use of PMSCs. (ibid:59-60)

While it may not be within the working group's mandate to assess the UN line of policies, action or attitudes in terms of PMSC contracting, this body would inspire more confidence if UN use were taken into account. The draft convention offers few applicable solutions and accordingly appears a largely normative and prescriptive document. (ibid:61)

4.4 Summary

It is claimed that the UN Security Council did not recognize that there could be a private security sector in Somalia and that the arms embargo is frequently breached (UN source no.1 2012 [interview]). But not all PMSCs in Somalia are in violation of the arms embargo – a number of private actors have entered the country under the umbrella of the liberal peace paradigm. PMSCs have been – and are currently – working under the auspices of UN approved interventions. Concerning the UN's policies, the normative views expressed by the Working Group stand in contrast to the

more pragmatic approach of those securing staff and assets while maintaining operations in difficult operating areas, and Østensen claims that the UN as a whole is little integrated and coordinated in terms of the PMSC question: «The most obvious commonality [within the UN] is, unfortunately, a consistent lack of clear and articulated policies concerning the use of PMSCs» (2011:65)

Chapter five: Types of PMSCs in Somalia

5.1 Introduction

«Numerous private security companies currently operate in Somalia, with several providing, or intending to provide, support to Somali security sector institutions» (UN Security Council 2012). According to a TFG-source there were about 50 private contractors related to the security industry in the green zone at the airport in Mogadishu in 2011 (TFG source no.1 2012 [interview]). Peter Cross, civilian police project manager in UNDP, agrees that there is a considerable number of contractors present in Mogadishu, but assesses the number to be significantly lower than the TFG official (2012 [interview]). One reason for the range in estimates may be that many of the companies do not identify themselves as PMSCs, but as working with for instance logistics or demining, and consequently calculating a number is difficult.

To determine how PMSCs affect institutions in Somalia it has been necessary to try to find out to what extent PMSCs are being used in the country. To get an absolutely precise picture would require tedious mapping of all present security companies – a close to impossible task within the scope of this thesis, as there exists no registration of all the PMSCs present in Somalia, and no one can give an accurate number as to how many companies actually operate within the state territories. Consequently, this thesis does not seek to map all PMSCs in Somalia. Instead it will focus on a few companies and through them show the variety of actors present in south-central Somalia, Puntland and Somaliland. PMSCs in Somalia are not a homogenous group, but span all the categories in Singer's «tip of the spear»-typology. The selection of companies is made based on knowledge gained from informants and reports from the UN Monitoring Group on Somalia and Eritrea.

5.2 A part of the liberal peace agenda

Bancroft Global Development is currently the only PMSC operating in Somalia with authorization from the Sanctions Committee of the UN Security Council. The committee does not specifically authorize Bancroft, but because Bancroft has a

contract with AMISOM it benefits from the permanent exemption of the arms embargo that is granted to AMISOM (UN Security Council 2012). Bancroft has not been directly approved, but since the company is contracted by AMISOM it has the right to operate in Somalia to provide what it labels mentoring, which is actually military training (UN source no.1 2012 [interview]). By Singer's typology Bancroft is a «military consulting firm», but the company is registered as a foundation in the US and does not consider itself a PMSC. In Mogadishu the company has about 40 employees, mainly South Africans and Europeans, whose jobs vary from doing logistics to giving military training. Officially the company does not have anyone on the frontline, but reports have been made of Bancroft personnel carrying weapons on the frontline being perceived as fighting soldiers and not just trainers – placing it closer to «the tip of the spear» (UN source no.1 [interview]; New York Times 2011). The governments of Uganda and Burundi pay Bancroft to train their AMISOM-soldiers for missions inside Somalia. The US State Department then reimburses the two African states, and through this arrangement of serving as a sort of proxy for the American government Bancroft earned about seven million dollars from 2010 until August 2011 (New York Times 2011).

The TFG owes its survival to AMISOM rather than to its own troops (UN Security Council 2010:6), and AMISOM owes some of its success to Bancroft. The Ugandan and Burundi armed forces had been trained to fight in the bush, so when they arrived in Mogadishu the forces were facing a new type of operation in a sort of urban warfare with roadside bombs and suicide attacks. The US decided that the forces needed training to face the new realities, but because of the history of intervention and the mentioned «Somalia effect» deployment of US military advisors would not be acceptable, and it was decided that a capable company would be contracted to provide the training (UN source no.1, [interview]).

It is within the AMISOM mandate that the force support and protect the TFG and its infrastructure (Hull & Svensson 2008:8), meaning that AMISOM has a duty and is committed to provide support to the TFG army, police and security sector institutions. In fulfilling this task Bancroft does some work directly for the TFG, including policy development aid (UN source no.2 [interview]). According to Peter

Cross one can argue that there exists a clear conflict of interest seeing that Bancroft in some instances work on both sides of the equation and actually assist in developing the government policy that will help the company get more jobs, either directly with the TFG, through AMISOM or through UN agencies (2012 [interview]).

AMISOM can, and has, hired other companies under its umbrella in addition to Bancroft. These actors do not have a permanent exemption from the arms embargo, but get exemptions within the framework of specific projects and get in through peace building programs serving AMISOM in some way or form. One such program is the US Department of State Africa Peacekeeping Program (AFRICAP), which uses contractors to provide military training, perform advisory missions and provide logistical support and construction services for programs across Africa (AECOM 2012). Worth mentioning in this context is DynCorp International, AECOM and Pacific Architects & Engineers (PAE), companies that have all signed contracts with AFRICAP including «provision of logistics support, construction, military training and advising, maritime security capacity building, equipment procurement, operational deployment for peacekeeping troops, aerial surveillance and conference facilitation» for AMISOM (UN Security Council 2011:256). DynCorp was one of the companies providing support to the peacekeeping mission in Somalia in 1992-1995, and has for long been one of the contractors frequently used by the US, including in Iraq and Afghanistan (Forbes 2007; Hansen 2008:594). DynCorp was again chosen when the AMISOM mission went into Mogadishu in 2007, but in 2010 the company lost its contract to PAE and AECOM, which are now providing logistical support to AMISOM (Somalia Report 2011)

«Legitimate actors» outside the AMISOM mission

There are plentiful of companies operating in Mogadishu that do not work for AMISOM, but which can still be considered a part of liberal peace paradigm. A growing number of foreign private security personnel and companies in Somalia provide security details for individuals, foreign companies, diplomatic missions, the TFG, NGOs and international organizations. Some supervise local militia and provide armed escorts and static guards, «often importing armored vehicles, personal

protective equipment and operating in an arguably paramilitary fashion» (UN Security Council 2012:24; UN source no.1 [interview]). Without proper authorization those kinds of actions are in violation of the arms embargo, and in its 2012 report the UN Monitoring Group lists a number of member states that have acted in non-compliance with the arms embargo, and also mentions the UN itself:

During the course of the mandate, Ethiopia, France, the Sudan, Turkey, the United Arab Emirates, the United Nations and the United States have all provided support to Somali security sector institutions without providing prior notice or obtaining advance authorization from the Committee. (UN Security Council 2012:25)

According to a UN source many of the violations made by state actors would have been granted exemption had they requested it for the actions. And violations made by private individuals or entities with what the source describes as legitimate interests, like a private security business interest, are less of a concern for the Monitoring Group than weapons or equipment being imported by for instance the insurgency group al-Shabab. Both are violations of the embargo, but unofficially a distinction is made between violations for legitimate purposes, and the al-Shabab violating the embargo to attack the TFG, AMISOM or other potential targets. A majority of the violations come from what the source label as legitimate parties, so the Monitoring Group differs between for example a business importing armored vehicles and the al-Shabab importing ammunition or equipment (UN source no.1 [interview]).

The Kenya based company Halliday Finch, one of the many PMSCs operating in Mogadishu, admits it may occasionally violate the embargo unintentionally, but insists that mistakes are always rectified. When the research for this thesis was done the company was in the process of establishing an office in Mogadishu. Up until the permanent office is in place, the company has sent its employees into Somalia on an ad hoc basis, mainly doing escort duty for dignitaries. Initially the plan is to set up a control room at the green zone at the airport in Mogadishu, put armored cars on the ground and provide an armored taxi service for anyone coming in and out of Mogadishu. But according to Sam Mattock, Chief Executive Officer of Halliday Finch, a company that wants to have a sustainable business in Mogadishu has to have a goal of moving out of the secure gates of the airport: «Whilst the risk profile

increases enormously by doing so, it is my belief that if you want to get things done and have the respect of the Somalis you have to be self-sufficient, in the same way that the are in that city» (Mattock 2012 [interview]). Mattock is an ex British Army officer and has worked in the private security industry in various African countries for years, which is typical feature for many of the actors in the PMSC industry. Although the planned mission center in Mogadishu will be led by a European, Mattock affirms that «you cannot have a bunch of white guys running around thinking they have a solution to security», and therefore aims at hiring mostly Somalis (ibid).

Although a company, like Halliday Finch, is not contracted by AMISOM or a UN agency it can still be considered a part of a liberal peace-building project in a wider sense. Many security outfits are there to provide for the security of NGOs and humanitarian organizations, and their presence is thus considered legitimate. In Halliday Finch's case, too, the company provides services that would typically be considered legitimate by the Monitoring Group (UN source no.1 [interview]).

Within what one can label as the frames of the liberal peace agenda, there is also an opaque CIA-trained and financed group operating in Mogadishu (New York Times 2011). The troops cover their faces and wear ski masks; weapon wise they are well equipped; had it not been for the fact that the soldiers were making arrests the general public would assume it was a PMSC (Mohamed 2012 [interview]). This group is in fact a part of the Somali National Security Agency, an intelligence organization that answers to the TFG. It is, though, claimed that the Somali intelligence service is building a power base independent of the weak government, and that the Security Agency is becoming a government within the government (New York Times 2011).

5.3 An uncertain existence outside liberal interventionism

Halliday Finch provides security services that are considered legitimate, but it has previously approached the TFG with a type of offer that the Monitoring Group does not care for. Halliday Finch had a contractual obligation with the TFG regarding the construction of a national coast guard, but because of uncertainty concerning the planned shift from transitional to permanent government in Mogadishu, the project's

financial backer got out last minute in March 2012 (Mattock 2012 [interview]). Halliday Finch argues that its planned program was sustainable because fishing revenues going ten years forward were secured in a deal where, according to Mattock, Somalia would pay for its own resources as Halliday Finch would do fishing monitoring, impose fines to anyone doing illegal fishing and control the funds coming in for fishing licenses (Mattock 2012 [interview]). It is this type of arrangement a UN source states the Monitoring Group is not fond of, and calls a matter of concern regarding the presence of PMSCs. Neither the federal nor the local administrations have budgets that allow them to contract a PMSC, according to the source, and consequently they would have to trade natural resources for security services, while preferably the administrations should be able to manage their own resources to get revenues (UN source no.1 2012 [interview]).

Halliday Finch is not the only company that has made plans that never made it beyond the drawing board. Other actors have in previous years also signed contracts concerning provision of coastal services. International actors like Top Cat Maritime, Northbridge Service Group, the Hart Group and the Somali, but Emirates registered and based, SOMCAN all operated outside liberal interventionism and all faced an insecure existence (Hansen 2008:590-594).

Top Cat, an American company that despite defining itself as a security company had little security experience, approached the TFG and offered to provide services to the government's non-existent coast guard in 2005. A contract estimated to be worth 50 million dollars was signed, but the company did not manage to establish any facilities in Somalia, and by spring 2006 the company declared the contract invalid (Hansen 2008:591). Northbridge was Top Cat's replacement in south-central Somalia. Again a contract was signed, and the funds were supposed to be raised from donors as Northbridge argued it could handle tasks that would benefit not only the new Somali government, but also non-Somali powers and the international community. «But rather than attracting support from Western governments, the fact that the TFG and Puntland simultaneously hired different PSCs caused some international concern, as the two entities at times refused to acknowledge each other's rights to natural resources» (ibid:592). The result was that Northbridge never entered Somalia.

The Puntland authorities hired a British company called the Hart Group, which got its income through a fishing license scheme much like the one suggested by Halliday Finch, to establish a coast guard in 2000. Initially Hart had success and was efficient in capturing what the Puntland authorities claimed to be actors of illegal fishing, but due to internal conflicts within Puntland the company's Somali employees were split into different fractions, and «when fighting erupted close to Hart's bases of operation, the company decided to withdraw» (ibid:588). Subsequently Hart was replaced by SOMCAN, a company strongly connected to the Puntland elite. The company was deeply integrated in Puntland politics and was awarded a five-year contract, but later encountered serious difficulties because of its close relation to the administration. When, in 2005, Puntland elected a president with a different clan background than the former president, the relationship between SOMCAN and the Puntland administration rapidly crumbled (ibid:589). Although both Hart and SOMCAN were originally relatively successful compared to the companies that tried to set up in south-central Somalia, their turbulent history shows that it is far from easy for PMSCs to operate outside international interventionism.

«The PMSC of greatest concern»

Up until very recently the provider of coastal security in Puntland was Sterling Corporate Services (SCS), a Dubai-registered company that provided military training, technical assistance and support to the Puntland Maritime Police Force. The company is named the biggest reason for concern regarding PMSC activity by the Monitoring Group in its 2012 report. SCS was mentioned in last year's report as well, but the company then operated under the name Saracen International (UN Security Council 2012:8). The company is by Singer's typology a first and second category PMSC claimed to have a modern operational command center, control tower, airstrip, helicopter deck and the possibility to host up to 1500 trainees, thus the training camp near Bosaaso was said to be the best-equipped military facility in Somalia after the AMISOM bases in Mogadishu.

Thanks to this massive initiative, the Puntland Maritime Police Force is now a well equipped elite force, over 1000 strong, with air assets used to carry out ground attacks, which operates beyond the rule of law and reports directly to

the President of Puntland. (UN Security Council 2012:22)

SCS has links to Erik Dean Prince, the owner and Chief Executive Officer of the infamous PMSC Blackwater Worldwide, which was behind the killing of civilians in Iraq in 2007 (UN Security Council 2012:274; New York Times 2011). One of the main reasons why SCS was named such a concern was that the company had a massive presence of foreign personnel, mainly South African military trainers who were former members of the paramilitary Civil Cooperation Bureau during the apartheid era, in support of a central Puntland institution, with little accountability, making it close to impossible to hold anyone responsible for the company's actions. (UN source no.1 2012 [interview]; New York Times 2012). Piracy has been a vast problem in the area for years, and had a member state of the UN notified the Sanctions Committee on behalf of SCS/Saracen requesting to train Puntland maritime forces under the terms of the arms embargo, it is not unlikely that the request had been authorized, according to a UN source (UN source no.1 2012 [interview]). But the force has been financed through disguised contributions from the United Arab Emirates and Abu Dhabi, and no one in the UN system has been informed about the situation on the ground (UN source no.1 2012 [interview]; UN Security Council 2012:22)

SCS has undoubtedly been in constant breach of the arms embargo, and since the company operates independently of all international, multilateral frameworks for support to the Somali security sector, there is no way to ensure that the forces the company trains are in fact employed for the purposes of improving the maritime security off the coast through the Puntland Maritime Police Force. Due to a lack of transparency there have been concerns as to SCS/Saracen's intentions since the company first set foot in Puntland in 2010 (UN source no.1 2012 [interview]; Cross 2012 [interview]). The company's «presence has increased tension in north-eastern Somalia because its operations are perceived as a military threat by Puntland's neighbours, as well as by some parts of the Puntland population» (UN Security Council 2011:282). The port director in Berbera in Somaliland labels SCS/Saracen a mafia business and accuses the Puntland administration of training pirates through the company, and of using it as an invading force to take control over natural resources within Somaliland's territories (Omer Mohamed 2012 [interview]). Claims have also

been made that the SCS/Saracen force is actually an elite military unit intended to make sure the Puntland administration will overpower opposing clans in areas where oil exploration is considered probable in the future, and again the linkage of a PMSC to natural resources is a reason for concern (Economist 2012 [interview]; UN source no.1 2012 [interview]; Cross 2012 [interview]; UN Security Council 2011:283).

Recent reports conclude that SCS left Puntland this summer due to loss of its financing for the project, and that Bancroft has been asked to assess if the SCS-trained soldiers could be integrated into existing security sector institutions in order to reduce the potential risk the forces pose. According to the New York Times' sources the SCS soldiers are not as many as calculated by the UN Monitoring Group, but they have gone months without pay and are well-armed, potentially posing a serious threat if they are not assimilated or disarmed (New York Times 2012). SCS' descent came after one of their South African military trainers were shot and killed by one of the trainees in April (Somaliland Press 2012), a sort of incident many were almost waiting for to happen according to Peter Cross (2012 [interview]). After the fatal event SCS claimed it tightened its screening for applicants to the force, but not long after the trainers and most of the equipment had left Puntland (New York Times 2012).

It is worth mentioning that SCS/Saracen has tried to tap into the security industry in south-central Somalia as well. In 2011 the company envisaged a training program for the TFG security forces in Mogadishu, including a new presidential security unit in counter-terrorism, VIP protection and a range of other skills. But this initiative was suspended indefinitely after resistance from the Transitional Federal Parliament, AMISOM, and members of the international community who feared the consequences of what is assumed to be a first category «military provider firm» PMSC contracted directly by the TFG. (UN Security Council 2011; Ashereh 2012 [interview]; Independent Online News 2012). With the recent development concerning the company's presence in Puntland it seems SCS is yet another PMSC operating outside liberal interventionism that has been forced to disband.

5.4 Somaliland – other types of PMSCs

The security situation differs considerably between the distinctive Somali territories. Somaliland has a «relatively democratic political structure, a rudimentary police and coast guard, as well as a legal system that functions in its core areas» (Hansen 2008:585) and consequently other types of PMSCs are operating there than in south-central Somalia. The Norwegian company Nordic Crisis Management's (NCM) activity is relatively limited compared to the PMSCs mentioned so far and offers an illustration of the range of PMSCs involved in improving the security throughout Somalia. NCM has been contracted by the Somaliland administration since 2006 to develop a security system for the Berbera port and to ensure that the port's security meets the standards set by the UN and the International Maritime Organization, accordingly making the port more attractive to shipping companies and reducing the insurance costs when their ships dock in Berbera. The original five-year contract expired in 2011, but as the port still requires NCM's assistance the company's involvement is prolonged (Francke 2012 [interview]; Omer Mohamed 2012 [interview]). The company does not have traditional security personnel and there is not a NCM presence in Berbera at all times, rather advisors fly down a few times a year and stay there typically a couple of weeks building expertise and providing equipment so that the locals are able to operate the port in accordance with the international standards (2012 [interview]). Nonetheless, the work is extremely important since the Berbera port is the single most important source of revenue for Somaliland, representing between 80 and 90 percent of the national income (ibid). The fact that an international security standard is maintained has enormous value not only for Somaliland, but also for Ethiopia since Berbera is one of the few large ports serving the country (Omer Mohamed 2012 [interview]).

The project is funded entirely by development assistance from NORAD, a directorate under the Norwegian Ministry of Foreign Affairs, and according to CEO Herbert Francke, it is important for NCM that the project is firmly rooted in the Ministry (2012 [interview]). «It is in many ways a unique case, and so far the only private security operation in Somalia to be financed solely from development aid» (Hansen 2008:594). The fact that the project is entrenched in the Norwegian

authorities is important for NCM both formally and economically (Francke 2012 [interview]). As such the company's presence is can be considered a part of a liberal peace paradigm, the difference from many other liberal peace based PMSCs being that its operation is based on development aid and does not stem directly from an international intervention.

The port director affirms that the project is an important link for Somaliland to the Norwegian government (Omer Mohamed [interview]). The political and economical implications are positive for Somaliland, but it is relevant to emphasize that NCM provides assistance to a political and administrative structure that wants independence but which the international community have refused to recognize as a sovereign state. «Norway's support for Somaliland's state-like structures can [...] be seen as, and de facto is, support for state building in Somaliland, and the project can be seen to indirectly strengthen Somaliland's claim to statehood» (Hansen 2008:595)

One locally registered PMSC

Another kind of PMSC in Somaliland is the local company Physical Risk Solutions (PRS). Managed by a former South African military and a local businessman, PRS is at the moment the only private military or security company registered in Somaliland. PRS provides a variety of security services, but mainly delivers security services with trained but unarmed guards and internal compound security services with relevant equipment like metal detectors and x-ray machines. Its Somaliland operations director says that in principle the company's services are open to both internationals and locals, but due to the price level, in reality only international organizations, NGOs and big companies can afford to contract PRS (Farah 2012 [interview]).

When PRS was founded the Somaliland authorities were not aware of the possibility of the existence of a private security industry, and consequently there existed no regulations within which PRS had to oblige. The Ministry of Interior originally objected to PRS' continuation, but the company was allowed to resume its operations, like compound security for the UNDP in Hargeisa, while all registration of other PMSCs were put on hold (Farah 2012 [interview]; Cross 2012 [interview]). The Somaliland administration is currently in the process of adopting a new legislation,

specifically with the aim of controlling the activities of the PMSC industry in the Somaliland territories. The UNDP has assisted in the development of this regulatory framework, resulting in a private security company act containing regulations and a code of conduct for the Somaliland PMSCs (Cross 2012 [interview]; UN Security Council 2011).

Although there is only one PMSC officially operating in Somaliland, many businesses and hotels have armed and unarmed individuals to protect their properties. Many of these individuals are in fact police officers, and the Somaliland government has announced that it will command police officers that are doing security services to return to do regular police duties, hence a vacuum will be created where the market for security guards will grow larger (Farah 2012 [interview]). However, the new regulatory framework concerning PMSCs clearly states that security guards cannot be armed, creating defined boundaries to avoid any conflict between them and the police. PRS' operations director is divided in his view on the use of firearms by security entities. As a Somaliland citizen he supports the ban because he claims that armed security companies can be a threat to the national stability and can ultimately weaken the government. He remembers the less peaceful times in Hargeisa, when «everyone had a gun», and asserts that to protect the present stability in Somaliland the administration has to have monopoly on the use of armed force (ibid). However, as a businessman Farah admits that he would make more money if his forces were armed. PRS seeks to expand its business to both Bosaaso in Puntland and to Mogadishu, and its guards outside of Somaliland are likely to be armed. The operational structure is not certain, but especially in Mogadishu the potential PRS forces will surely carry weapons (ibid).

5.5 Current militia, future PMSC?

The regulatory framework for local PMSCs in south-central Somalia is far from as defined as it is in Somaliland. Yet there are a significant number of local militias operating in Mogadishu, in the same fashion as many of the international security enterprises, providing static guards and armed escort services. The PMSC-like

militias' object of protection is generally private and they are of a defensive nature, although they are armed and can accordingly not be labeled non-lethal.

UN agencies were for long dependent on the AMISOM forces to move around in Mogadishu. But this arrangement was seen as problematic as there were only a limited number of AMISOM convoys available to the provision of non-AMISOM tasks per week, and a lot of those priorities were given to political office or humanitarian work, so agencies like the UNDP were getting bumped regularly (Cross 2012 [interview]). On this basis a decision was taken late 2011 that the agency would take measures to increase its own independent movement capacity. This process ended with the UNDP operating with local PMSCs, which are basically local militia groups, procured in cooperation with the Ministry of Interior, which has started a registration process for local security providers (Cross 2012 [interview]). A UN source states it is pleasing to see increasingly legitimate Somali security businesses popping up. But although the attempt to start a registration process is an important first step, seeing that ideally there should not be individuals with arms that are not a part of either a security sector institution or a registered PMSC, a the source says that it is difficult to imagine anyone passing a law regulating PMSCs in Mogadishu in the near future given the fact that implementing the similar framework in much more peaceful and transparent Somaliland has been difficult (UN source no.1 2012 [interview]). The UNDP police project manager admits that even if a regulatory framework controlling PMSCs was installed, there is no mechanism to ensure that it is properly enforced (Cross 2012 [interview]).

A growing number of hotels in Mogadishu have been employing local clan militias as security forces for their businesses. As AMISOM has been successful in driving al-Shabab out of the capital, more and more areas have been liberated making new businesses pop up. And as long as AMISOM's positive trend continues, the phenomenon of this mix between clan based and business based militias protecting local establishments' premises is likely to grow (Economist 2012, [interview]). Numerous of the hotels in the capital are hosting expat-meetings where members of the Somali diaspora living abroad return to discuss the development of their home country, and most of these hotels have organized security provided by militias

(Mohamed 2012 [interview]). Several of the hotels offer complete security packages for their visitors, including armed security escorts and accommodation, and some of the hotel owners are becoming quite influential because of the security militia forces they have at their command (Mohamed 2012 [interview]; Cross 2012 [interview]). The potential transition from militia to local security businesses is seen as a positive step by many Somalis, both concerning stabilization and employment of the local youth (Economist 2012 [interview]; Mohamed 2012 [interview]). The various markets across Mogadishu also have PMSC-like entities providing security, and although these groups have structures that resemble security companies, they are not registered and licensed and are thus in reality militias (Mohamed 2012 [interview]).

Having been escorted by both AMISOM forces and by local private armed security units Peter Cross believes that the latter is a better and more community friendly approach that leaves a lighter footprint. Since there are militias everywhere across Mogadishu unmarked landcruisers with armed personnel is not something unusual, and actually offers better access than an AMISOM convoy. When travelling with AMISOM, according to Cross, you easily get the feeling that the whole city is conspiring to stop you from moving: «Donkeys will pull out in front of you, trucks will pull out and stop, groups of school children stand in the middle of the road, everywhere you go things block the way and you feel like a target» (Cross 2012 [interview]).

Halliday Finch has assisted an up-and-coming Somali PMSC in getting international customers. When approached by an American TV-team Halliday Finch subcontracted the Somali unit to escort the journalist across Mogadishu, but also had a member of its own staff with the group. The journalists would not have trusted the Somali company had it not been for Halliday Finch, but through the arrangement both companies got a revenue stream and the Somali company could add the journalists to its list of clients (Mattock 2012 [interview]). As previously mentioned Sam Mattock believes it is best to have a blend of internationals and Somalis within a PMSC. He is of the opinion that a mixed approach assures that one gets the extreme local knowledge of the nationals and the international experience and exposure one would get from for instance European former soldiers, inasmuch as they are often well

educated and have prior security experience from other areas (Mattock 2012 [interview]). Farah, the operations director in Somaliland based PRS, is of the opinion that throughout Somalia it is preferable to hire Somali companies because the nationals know the culture and the clan structures, which traditionally play an important role in the country. Although PRS does not have an official policy concerning the issue of clanism, the company does background checks, including talks with clan elders, on all potential new employees when it hires security guards. Farah underlines the importance Somali companies can make, not only to security, but also concerning employment, and while international PMSCs also hire Somali guards, Farah argues that his company is better fit to deal with the volatile and chaotic situation in Somalia than international companies are since he as a national knows the Somali culture (Farah 2012 [interview]).

Nobody trusts the police

When the UNDP in 2011 decided to take measures to expand its mobility in Mogadishu, the original thought was to increase the capacity of the police to do this, according to an anonymous UN source. But an assessment revealed that the police lacked in training and equipment; the forces had insufficient command and control; they were insufficiently disciplined and did not have access across Mogadishu. Militias basically control most of the city's districts, and if these militias do not want the police in the area they simply stop them by attacking. And the clan militias are better armed and better paid, so the police's chances are usually poor. (UN source no.2 2012 [interview])

Although the police commissioner of Mogadishu claim there is absolutely no necessity for private security and that the Somali people only need the police for its protection (Maye 2012 [interview]), native Somalis living in the capital confirm that the general public cannot trust the police and TFG forces (Mohamed 2012 [interview]; Economist 2012 [interview]). Several sources state that the police often go months without receiving any salary, and as Mogadishu lawyer Zakaria Mohamed put it: «How can you expect a man with a gun to protect the people when he gets no payment and his family does not even have food?» (2012 [interview]).

Another issue is that there is quite a high rate of what is called blue on blue incidents – episodes where fractions of the police fight each other, the police and the National Security Agency fight each other or the TFG military and the police fight each other (UN source no.2 [interview]). According to an anonymous UN source everybody within the police has vested interests: It could be that control over an area is linked to one district commissioner or another, fractions of the security forces are in some instances linked to diversion of food aid, the reasons are numerous. It was due to this that the UNDP concluded that the police could not provide the security its staff needed, but actually created a more insecure environment for anybody travelling with them in many cases (UN source no.2 2012 [interview]). According to another UN source it is a major concern, but still a well-known fact, that it is safer to travel with local militias than with the police in Mogadishu (UN source no.1 2012 [interview]).

5.6 Summary

There is a mixture of types of PMSCs across Somalia. Bancroft is the main PMSC-contributor to AMISOM and by Singer's typology can be classified as a «military consulting firm» providing military training, although some reports suggests that the company has had soldiers at the frontline and could thus be seen to be closer to «the tip of the spear» (UN source no.1 2012 [interview]; New York Times 2011). Third category PMSCs, «military support firms» by Singer's typology, like PAE and AECOM are also working in support of AMISOM. Although not under AMISOM's umbrella, a number of PMSCs providing security for NGOs, humanitarian organizations and private individuals are also seen as a part of the liberal peace paradigm because their interests are perceived to be legitimate (UN source no.1 2012 [interview]). The services offered by these PMSCs, like Halliday Finch, include transportation and static guarding, and are primarily of a defensive nature. But escorts are armed and missions can end up being lethal, hence this type of PMSC is difficult to classify within Singer's typology.

The security situation differs considerably between the regions, and Somaliland does not require the same amount of or types of PMSCs as south-central Somalia.

NCM is a «military support company» providing simply expertise and advice in order to enable the security at the port of Berbera to meet international standards (Francke 2012 [interview]; Omer Mohamed 2012 [interview]).

Until recently the «military provider firm» SCS/Saracen was located in Bosaaso to build and support the Puntland Maritime Police Force. The force operated independently of all international frameworks for support to the Somali security sector and was financed through disguised contributions (UN source no.1 2012 [interview]; UN Security Council 2012:22). SCS/Saracen is reported to have left Puntland this summer after loss of financing, and as such is the latest of a number of PMSCs working detached from the liberal peace agenda that have had short-lived ventures in Somalia.

Local PMSCs might play an increasing part in the Somali security sector. Currently one PMSC, providing mainly unarmed compound security and static guards, is registered in Somaliland. In south-central Somalia the regulatory framework is not as developed as in Somaliland, but a growing number of militias are acting in a PMSC-like fashion and there is hope that these entities will be regulated in the future (Cross 2012 [interview]; Economist 2012 [interview]; Mohamed 2012 [interview]; UN source no.1 2012 [interview]).

Chapter six: Somalis' perception of PMSCs

6.1 Introduction

Among most of the interviewees in this thesis, who are not a part of the PMSC industry, there is concern regarding the transparency and accountability of the various private contractors in Somalia. The general public is well aware that there is a large presence of private contractors at the airport in Mogadishu, but not many know the companies' names, who they are contracted by or what services they are actually in Somalia to provide. As a result most of the PMSCs are seen as mercenaries that have been given legitimacy by the TFG, AMISOM and the UN (Economist 2012 [interview]; Issa 2012 [interview]; Ashereh 2012 [interview]). Although based on a relatively moderate number of interviews, this chapter gives an impression of how PMSCs are perceived by Somalis.

6.2 Lack of transparency and accountability

The example of Halliday Finch subcontracting a local militia-like group mentioned in the previous chapter is perhaps an innocent example that turned out to be a win-win situation for the involved parties. A chain of companies linked together is a typical trait of the globalized world trade, but in principle this corporate structure of subcontracting can diffuse accountability: It can be difficult to track which companies are responsible for specific operations in a chain of companies, and this can make it hard to determine who are responsible for monitoring the PMSCs. Also, it can be unclear who is responsible of sanctioning if an employee of a subcontracted company acts inappropriate or breaks the law (Singer 2008:220).

Among some Somalis there is a hope that the international private security enterprises can be a gate opener to international investments in Somalia (Economist 2012 [interview]). Holmqvist affirms that the use of PMSCs by a weak state can provide a boost to security sector capabilities and provide a quick avenue for donor states to channel support (2005:17). However, it may also be at the expense of the aim of increasing standards of democratic accountability within security sector institutions

since there is a loss of local knowledge. There is a general acknowledgment among Somalis that armed security is needed (Mohamed 2012 [interview]; Economist 2012 [interview]), but towards foreign security actors there is generally a negative attitude, and as Somali Member of Parliament Hon Awad Ahmed Ashereh put it: «They are not well informed about the clan set up and the culture of Somalia» (2012 [interview]).

[U]sing private actors to implement SSR [security sector reform] programmes in weak states involves certain losses such as knowledge of local conditions and the future interoperability of forces, both with donor states and with their own neighbours. In this way, the use of PSCs to carry out military training or other SSR tasks risks depriving the relationship between donor and recipient of political content and exacerbating the difficulty of securing local ownership in SSR projects by introducing a third, commercial rather than political, actor into the equation. (Holmqvist 2005:17)

Peter Cross upholds that priority should be given to develop the capacity of the police and the authorities to provide for security, but security sector institutions are not able to provide the required security at the moment and thus PMSCs are needed (2012 [interview]). Cross calls the PMSC presence in Somalis a «necessary evil» and says the business has very little accountability and transparency, labeling it as dirty in that way (ibid). Member of Parliament Ashereh describes foreign PMSCs as a conspiracy against the sovereignty of Somalia and an open door to corruption because a consistent lack of transparency encourages officials to make personal gain from contracts (Ashere 2012 [interview]). The lack of transparency is not exclusively on the hands of PMSCs but in a sense pervades all off Somalia, according to Cross, as there is no proper auditing done in the government and what auditing is done reveals mismanagement and corruption. Hence he insists that it is better that PMSCs are hired by international organizations than directly by the TFG (Cross 2012 [interview]), while the security business sees no principally difference as «funds come out of the same location anyway because the TFG does not have any funds» (Mattock 2012 [interview]). Holmqvist (2005) writes that, in general, there is a deficiency in terms of accountability and legitimacy whether PMSCs are contracted directly by a weak state to bolster security capabilities or by donors to carry out military training or increase other capacity within security sector institutions.

Amnesty International USA has pointed out that there are no requirements for the inclusion of any human rights or humanitarian law content [...] in military,

security or police force training conducted by private security actors. (ibid:16).

Somali interviewees, who are not a part of the TFG or the PMSC business, express great concern about the situation. With Somalia's history of being the subject of foreign intervention, armed foreign forces have a hugely negative connotation for the local population. «The only interpretation of the constant interventions in our country is that nobody is interested in really finding a solution to the Somali problem» (Issa 2012 [interview]). The lack of transparency fuels the locals' suspicion further, leading to rumors claiming that private security actors are involved in manufacturing illegal drugs and are responsible for dumping toxic waste both in the ocean and onshore in Somalia. These rumors are again being used as propaganda by al-Shabab to convince the Somali people that foreigners are there to take over the land (Ashereh 2112 [interview]; Economist 2012 [interview]).

6.3 Building or crowding out state institutions?

Some of the inhabitants of Mogadishu are concerned that the presence of private security actors prevents the state from establishing a monopoly on the use of force. Bashir Issa, who is now retired but formerly served as Deputy Governor of the Central Bank of Somalia, claims that foreign PMSCs are undermining the function of the government and its institutions: «You will never have real institutions if others are doing the job» (Issa 2012 [interview]). According to Holmqvist the use of PMSCs in support of multilateral peace missions and aid agency operations can offer some promise for weak states, as long as great caution and sensitivity is secured, formalized under regulatory structures. But if external actors are increasingly taking on functions conventionally reserved for state institutions it may be seen to represent a dictated choice (Holmqvist 2005:55). And by some of the interviewees international PMSCs are seen as tools to dictate Somalia. Instead of using foreign forces in the attempt to stabilize Somalia, international security advisors should be hired to give training to local forces, according to the interviewees, who see foreign involvement as positive if it exclusively involves security advisors who are hired to build capacities and give training (Ashereh 2012 [interview]; Mohamed 2012 [interview]).

[U]sing PSCs engaged by an external actor risks further marginalizing the host (weak) state, because placing the source of legitimacy and of delivery in outsiders' hands distances the state from the normal system of national and international security governance (Holmqvist 2005:21)

Bashir Issa interprets the PMSC presence as a duplication of functions that should be performed by Somali institutions, and believes they are imposed by foreign governments with the aim of replacing functions within the Somali security sector (2012 [interview]). Others are concerned about what might happen if PMSCs get too involved in the political process (Economist 2012 [interview]). TFG sources state that the government is not concerned about current PMSC activity in south-central Somalia, but acknowledge that private security actors can pose a threat if they get too numerous and powerful (TFG source no.1 2012 [interview]; TFG source no.2 [interview]). According to one official in the TFG it is vital to consider the situation Somalia is in when discussing security assistance from outside actors: «When you do not have choice you say yes to all the help you can get in order to stabilize the situation» (TFG source no.1 [interview]). A PMSC can in some cases obtain information that it will benefit from if the principal is not informed. Singer states that there will always be a clear tension between the security goals of clients and the companies' desire for profit maximization (2008:151). This indicates a danger that the companies contracted, or financed, by state actors neglect foreign policy principles in their efforts to enhance their income. According to Avant a state can be able to conduct its foreign policy by proxy when it is confident that PMSCs will act as agreed. This way the state can pursue its interests abroad without sending its own troops (Avant 2005:68).

Foreign actors and international organizations are not the only ones contracting PMSCS – as mentioned previously political entities within Somalia have also hired private contractors. A TFG source believes the south-central government will contract PMSCs to a larger degree the next few years, but only in providing logistics and advice, and not as armed forces (TFG source no.2 2012 [interview]). Financial constraints on state resources make the option of hiring private security services attractive to many weak states, according to Holmqvist because it offers a quick fix to security, «but the way in which it tends to crowd out the public security apparatus

means that extensive reliance on PSCs in the longer term weakens state authority» (2005:12). She claims that in cases where a weak state itself contracts a PMSC, it does so on basis of getting immediate results, rather than fundamentally restructuring standing armies or police forces, rooting out corruption, and ensuring the efficiency and loyalty of public forces, «with PSCs effectively colluding in the establishment and maintenance of a system of security for the few at the expense of the many» (ibid:21)

But PMSCs may strengthen a state if they contribute to ensure stability and security (O'Brien 1998). Sam Mattock insists security is the bedrock of society and claims that PMSCs are nothing but an asset to stakeholders and will offer peace and prosperity to the Somalis (Mattock 2012 [interview]). The exceptional situation Somalia is in taken into consideration, a UN source confirms that PMSCs are at the moment essential because one cannot rely on state security institutions. While in a longer perspective it is important to establish a legal framework within which the PMSCs are regulated, the source insists that most private actors hired by actors of the international community is currently an asset to stabilizing the country and has so far not been a hindrance for Somali institutions to build their capacities (UN source no.1 [interview]).

6.4 Summary

Based on the information gained from interviews there is reason to believe that the presence of foreign PMSCs, particularly in Mogadishu, is of great concern among Somalis. There is a general recognition of the necessity of armed security, but non-Somali actors are claimed to have too little knowledge about Somali society (Ashereh 2012 [interview]). Some of the disapproval of foreign PMSCs can be accounted to Somalia's history of being subject to unsuccessful international intervention, leaving the local population with a negative impression of outside actors' intentions (Issa 2012 [interview]). A lack of transparency and openness from PMSCs increases the suspicions further, leading to rumors about the companies' objectives (Ashereh 2012 [interview]; Economist 2012 [interview]).

PMSCs are by some perceived as either duplications of functions Somali institutions should perform or as dictating the security sector institutions and preventing the state from establishing the monopoly on the legitimate use of force that it ideally should have. Foreign security actors are, however, perceived as positive as long as they provide training and advice and do not participate in actual security provision (Issa 2012 [interview]; Ashereh 2012 [interview]; Economist 2012 [interview]).

Chapter seven: Concluding remarks

7.1 PMSCs impact on security sector institutions

The state of Somalia does not fulfill its core task by Max Weber's definition, as it does not maintain an exclusive «legitimate use of physical force» (1964:154). Due to the state's condition it can be defined as a quasi-state, or even a failed state. But Coyne and Leeson (2010) claim that resorting to the concept of a failed state is dangerously limiting; one should instead focus on what institutions are viable and what they can accomplish. Nonetheless, it is argued that when PMSCs get involved in weak states they can threaten the state's monopoly on the legitimate use of violence (Hansen 200:585; Østerud 2005:103). But this thesis has maintained that in Somalia the issue of the state's monopoly of violence is a question of the monopoly the state ideally should have, rather than its actual power. With respect to PMSCs it can be seen as a matter of to what extent private contractors can assist in establishing such a monopoly by enabling security sector institution building.

«Private military actors thrive in areas of weak governance» (Singer 2008:38). That is the case in Somalia as well, but the role of PMSCs should be studied with a broader perspective, because not all private contractors seeking profit have succeeded. International interventions were a golden opportunity for PMSCs to play profitable support roles during the early 1990s, and again starting from the AMISOM intervention in 2007. Although no certain conclusions can be drawn, based on the examples given in the analysis it seems to be a tendency that PMSCs associated with the liberal peace paradigm are more likely to experience operational success over time than PMSCs perceived to be operating outside liberal interventionism. Generalizing is difficult, but it appears that PMSCs working within the wide framework of a liberal peace agenda are seen to have more legitimate interests (UN source no.1 [interview]). SCS/Saracen, a mix between a «military provider firm» and a «military consulting firm», assisted the Puntland administration in building an extensive force that could potentially assist in stabilizing the region. But the company operated with a lack of transparency, independently of all international, multilateral frameworks for support to the Somali security sector, and consequently its operations became the object of

suspicion, to some degree increasing political rivalry and instability instead of contributing positively to Somali security sector institutions (UN source no.1 2012 [interview]; UN Security Council 2011:282; New York Times 2012; Cross 2012 [interview]).

Different types of PMSCs will impact institution in different ways. NCM, a non-lethal advising PMSC, plays an important part in developing a security system for the Berbera port, ensuring that international standards are met. The project, funded entirely by development aid, is important for Somaliland financially, and can be said to assist institution building in the region (Hansen 2008:596). However, it is not certain that the same type of PMSC would be successful in south-central Somalia, given that the situation there is much more volatile. In Mogadishu Bancroft provides military training to the AMISOM forces. The company is seen as an important contributor to the relative success AMISOM has had in ensuring stability, and its main contribution to the Somali security sector is developing the skills of the African Union soldiers and the TFG forces. However, it is claimed that Bancroft has also played a part in policy development directly with the TFG (UN source no.2 2012 [interview]; Cross 2012 [interview]). This study does not have sufficient information to assess what impact the policymaking aid has on Somali security institutions.

7.2 Areas for further research

Hopefully this thesis can be a foundation for future research. The matter of PMSCs being directly involved in policymaking is one of the areas that deserve further investigation. Although the term PMSC has here been used to denote every type of private military and security company it does not mean that one should always apply the same yardstick to all private security actors. There is, for instance, a significant difference between NCM and SCS/Saracen. In this thesis certain types of local militias are also included in the discussion. The possible transition some militias are going through, perhaps becoming legitimate and regulated security outfits, is also an area that justifies attention and further study. Further work is necessary, as PMSCs will

continue to play an important part in Somalia while the fragile country emerges towards stability.

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